

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, MAY 23, 2011**, following the meetings of any scheduled Committees at **6:03 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Council Meeting
Public Hearings: 11-01, 11-02, 11-03
Regular Council Meeting

April 11, 2011
April 25, 2011
April 25, 2011

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

A. Mr. Colin Martin, Executive Director, BCWS and Ms. Johanna Cooper, Re: “Drinking Water Week” Poster Winners.

THIRD READING:

- 1. Bill No. 11-04, an ordinance to amend certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, to provide for the regulation and duration of non-conforming uses in the various zoning districts. [Recommended by Committee on Land Use]**

SECOND READING:

1. **Bill No. 11-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Colpar, Inc.**, requested by **T. B. Daniels**, located at the end of Diplomat Lane adjacent to I-26 near the College Park Road Interchange, Ladson, **Portion of TMS #242-00-03-052 & TMS #242-00-03-065, 066, -070** (6.3 +/- Total Acres), from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 5.
[Recommended by Committee on Land Use]
2. **Bill No. 11-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco-Various Entities**, located in the general vicinity of Rose Drive and Turtle Pond Road along Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -088, -089, -145 & 221-16-01-019, -020, -022, -038** (49 +/- Acres) from **PDMU, Planned Development Mixed Use District & R-1, Single Family Residential District to PDMU, Planned Development Mixed Use District**. Council District No. 4.
[Recommended by Committee on Land Use]
3. **Bill No. 11-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Hopkins**, 1531 Highway 52, Moncks Corner, **TMS #162-00-01-042** (6.75 Acres) from **GC, General Commercial District to R-1, Single Family Residential District**. Council District No. 8.
[Recommended by Committee on Land Use]
4. **Bill No. 11-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **James Morrison**, 1833 Highway 6, Pinopolis, **Portion of TMS #082-00-01-076** (0.22 Acres) from **Flex-1, Agricultural District to GC, General Commercial District**. Council District No. 7.
[Recommended by Committee on Land Use]
5. **Bill No. 11-09**, an **ordinance** adopting the **2010 Comprehensive Plan update** for the County of Berkeley, pursuant to the State of South Carolina Comprehensive Planning Enabling Act of 1994.
[Recommended by Committee on Planning and Development]
6. **Bill No. 11-10**, an **ordinance** to amend the language of **Ordinance No. 79-3-08**, as amended, by requiring a **residency** requirement of all **Sangaree Advisory Committee Members**.
[Recommended by Committee on Finance]
7. **Bill No. 11-11**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

8. **Bill No. 11-12**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
9. **Bill No. 11-13**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
10. **Bill No. 11-14**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
11. **Bill No. 11-15**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.
[Recommended by Committee on Finance]
12. **Bill No. 11-16**, an **ordinance** providing appropriations for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year; and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by **Berkeley County Water and Sanitation**.
[Recommended by Committee on Finance]
13. **Bill No. 11-17**, an **ordinance** to **amend Ordinance No. 10-07-20** adopted July 26, 2010, to provide for **supplemental appropriations** and allocations thereof within the 2010-2011 budget for **Berkeley County**; and other matters relating thereto.
[Recommended by Committee on Finance]
14. **Bill No. 11-18**, an **ordinance** authorizing an **extension of the time** period for **Franklin C. Fetter Family Health Clinic, LLC**, to commence construction on two (2) acres of land located in Cross, South Carolina, identified as **TMS #041-00-04-061**, and authorizing the county supervisor to execute the necessary documents to effectuate such extension.

[Recommended by Committee on Land Use]

15. **Bill No. 11-19**, an **ordinance** authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P.** and **HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC**, **HW BERKELEY PHASE II-B, LLC** and **HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.
[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 11-20**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Cypress Village LLC & Worley Investments LLC**, located at 679 Treeland Drive, Ladson, **Portion of TMS #242-00-01-008, -066, -094** (2.04 +/- Acres), from **R-5, Multi-family Residential District & OI, Office Institutional District & Flex-1, Agricultural District** to **GC, General Commercial District**. Council District No. 5.
[Recommended by Committee on Land Use]
2. **Bill No. 11-21**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, located at 210 & 216 Cember Way, Summerville, **TMS #232-16-01-001, 232-16-01-004, -005, -006, -007, -008, -009**, (9.76 +/- Total Acres) from **GC, General Commercial District** to **LI, Light Industrial District**. Council District No. 4.
[Recommended by Committee on Land Use]
3. **Bill No. 11-22**, an **ordinance** approving and authorizing the grant of a **utility easement** to **Berkeley Electric Cooperative** on a portion of County property known as the **Berkeley County Airport**.
[Recommended by Committee on Community Services]
4. **Bill No. 11-23**, an **ordinance** authorizing the execution and delivery of one or more incentive agreements by and among Berkeley County, South Carolina, and **Project Surge**, and one or more affiliated or related entities, as sponsor, to provide for a **fee in lieu of taxes** incentive; to provide for a sponsor affiliate; to provide for the inclusion of the project in a multi-county business or industrial park; to provide for special source revenue credits; and to enter into any other necessary agreements with the sponsor and sponsor affiliate to effect the intent of this ordinance; and other related matters.
[Recommended by Committee on Finance]

RESOLUTION:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2010-2011 Berkeley County Budget** for County purposes other than as specified in said budget.
[Recommended by Committee on Finance]
2. **RESOLUTION** designating **Surplus Property** of Berkeley County and authorizing the disposal of the surplus property.
[Recommended by Committee on Public Works & Purchasing]
3. **RESOLUTION** authorizing the County Supervisor to negotiate and execute a **lease agreement** with Parkway Investments, LLC for property located at 102 Sangaree Park Court, Suite 1, Summerville, South Carolina 29483.

PROCLAMATION:

- A. **Proclamation** honoring the accomplishments of the **2010-2011 Hanahan High School Wrestling Team**.

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a. Request for additional funds for postage.
 - b. Request to renew office lease.
2. **Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
 - a. Denial of **Request** by **Mark Ahrens**, located on Clements Ferry Road at intersection with Fiddler Crab Lane, Charleston, **TMS #263-00-02-005** (0.37 Acres) from **GC, General Commercial District to R-2, Manufactured Residential District**. Council District No. 2.
3. **Committee on Public Works and Purchasing.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
 - a. Purchase of 12 new Roll-off Cans.
 - b. Purchase of 16 Recycling Roll-off Cans.
 - c. Purchase of a Replacement Radio Repeater.
 - d. Rejection of all bids to purchase Soil Compactor.
 - e. Request for funds for replacement lift for Maintenance Garage
 - f. Rejection of Request for Proposals for Group Health Insurance.
 - g. Local Road Resurfacing.
 - h. Pond Road Project.

- 4. Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
- 5. Committee on Water and Sanitation.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
 - a. Waste Industries Contract Extension
- 6. Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
- 7. Committee on Community Services.**
Council Member, Mr. Timothy J. Callanan, Chairman.
 - a. Presentation of Florence Crittenton Program of South Carolina.
 - b. Grant proposal for the Mobile Literacy Library.
- 8. Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

CHARLESTON REGIONAL DEVELOPMENT ALLIANCE

CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

DEVON FOREST

GOOSE CREEK RECREATION COMMISSION

Mr. Milton Terre

Mrs. Nancy Trevino

Mr. Edwin Hiott

Mr. David Kennedy

LIBRARY BOARD

MENTAL HEALTH BOARD

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE JUNE 2011, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY JUNE 27, 2011, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

May 18, 2011
S/Catherine R. Windham
Acting Clerk of County Council